

AMENDED IN SENATE SEPTEMBER 7, 2007

AMENDED IN SENATE SEPTEMBER 6, 2007

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 1406**

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**Introduced by Assembly Member Huffman**  
**(Coauthors: Assembly Members Beall, Benoit, and Berryhill)**

February 23, 2007

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An act to amend Section 13553 of the Water Code, relating to water.

### LEGISLATIVE COUNSEL'S DIGEST

AB 1406, as amended, Huffman. Recycled water: toilet and urinal flushing: condominiums.

Existing law requires the State Department of Public Health to establish uniform statewide criteria for each varying type of recycled water use if the use involves the protection of public health. Existing law declares that the use of potable domestic water for toilet and urinal flushing in structures, as defined, is a waste or an unreasonable use of water if suitable recycled water is available for those uses. Existing law generally authorizes a public agency to require the use of recycled water for toilet and urinal flushing in structures if certain requirements are met.

This bill would include ~~condominiums~~ *condominium projects* within the meaning of “structure” for the purposes of those provisions.

The bill would allow the use of recycled water in condominium projects subject to specified conditions, including a requirement that the agency delivering the recycled water to the condominium project file a report with the appropriate regional water quality control board

and receive written approval of the report from the State Department of Public Health.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 13553 of the Water Code is amended to  
2 read:

3 13553. (a) The Legislature hereby finds and declares that the  
4 use of potable domestic water for toilet and urinal flushing in  
5 structures is a waste or an unreasonable use of water within the  
6 meaning of Section 2 of Article X of the California Constitution  
7 if recycled water, for these uses, is available to the user and meets  
8 the requirements set forth in Section 13550, as determined by the  
9 state board after notice and a hearing.

10 (b) The state board may require a public agency or person  
11 subject to this section to furnish any information that may be  
12 relevant to making the determination required in subdivision (a).

13 (c) For the purposes of this section and Section 13554,  
14 “structure” or “structures” means commercial, retail, and office  
15 buildings, theaters, auditoriums, ~~condominiums~~ *condominium*  
16 *projects*, schools, hotels, apartments, barracks, dormitories, jails,  
17 prisons, and reformatories, and other structures as determined by  
18 the State Department of Public Health.

19 (d) Recycled water may be used in condominium projects, as  
20 defined in Section 1351 of the Civil Code, subject to all of the  
21 following conditions:

22 (1) Prior to the indoor use of recycled water in any condominium  
23 project, the agency delivering the recycled water to the  
24 condominium project shall file a report with the appropriate  
25 regional water quality control board and receive written approval  
26 of the report from the State Department of Public Health. The  
27 report shall be consistent with the provisions of Title 22 of the  
28 California Code of Regulations generally applicable to  
29 dual-plumbed structures and shall include all the following:

30 (A) That potable water service to each condominium project  
31 will be provided with a backflow protection device approved by  
32 the State Department of Public Health to protect the agency’s  
33 public water system, as defined in Section 116275 of the Health

1 and Safety Code. The backflow protection device approved by the  
2 State Department of Public Health shall be inspected and tested  
3 annually by a person certified in the inspection of backflow  
4 prevention devices.

5 (B) That any plumbing modifications in the condominium unit  
6 or any physical alteration of the structure will be done in  
7 compliance with state and local plumbing codes.

8 (C) That each condominium project will be tested by the  
9 recycled water agency or the responsible local agency at least once  
10 every four years to ensure that there are no indications of a possible  
11 cross connection between the condominium's potable and  
12 nonpotable systems.

13 (D) That recycled water lines will be color coded consistent  
14 with current statutes and regulations.

15 (2) The recycled water agency or the responsible local agency  
16 shall maintain records of all tests and annual inspections conducted.

17 (3) The condominium's declaration, as defined in Section 1351  
18 of the Civil Code, shall provide that the laws and regulations  
19 governing recycled water apply, shall permit no exceptions to those  
20 laws and regulations, shall incorporate the report described in  
21 paragraph (1), and shall contain the following statement:

22  
23 “NOTICE OF USE OF RECYCLED WATER  
24

25 This property is approved by the State Department of Public  
26 Health for the use of recycled water for toilet and urinal  
27 flushing. This water is not potable, is not suitable for indoor  
28 purposes other than toilet and urinal flushing purposes, and  
29 requires dual plumbing. Alterations and modifications to the  
30 plumbing system require a permit and are prohibited without  
31 first consulting with the appropriate local building code  
32 enforcement agency and your property management company  
33 or homeowners' association to ensure that the recycled water  
34 is not mixed with the drinking water.”  
35

36 (e) The State Department of Public Health may adopt regulations  
37 as necessary to assist in the implementation of this section.

38 ~~(f) Subdivisions (d) and (e) of this section apply only to~~  
39 ~~condominiums~~

- 1     (f) *This section shall only apply to condominium projects* that  
2     are created, within the meaning of Section 1352 of the Civil Code,  
3     on or after January 1, 2008.  
4     (g) Nothing in this section or Section 13554 applies to a pilot  
5     program adopted pursuant to Section 13553.1.